

**From:** Hiroshi Lockheimer [REDACTED]@google.com>  
**Sent:** Wed, 22 Jul 2020 04:30:54 +0000 (UTC)  
**To:** Tim Sweeney [REDACTED]@epicgames.com>  
**Cc:** Sundar Pichai [REDACTED]@google.com>; Jamie Rosenberg [REDACTED]@google.com>; Donald Harrison [REDACTED]@google.com>; Tracey Cole [REDACTED]@google.com>  
**Subject:** Re: Consumer Choice & Competition

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Hi Tim, sounds good, let's chat. I've looped in Tracey who can help us coordinate. Is there someone she can work with on your side to find a time that works? BTW this week is a little rough for me, I have a bunch of review meetings with my teams (it's that season...) so we may need to shoot for next week. Apologies in advance.

Thanks,  
Hiroshi

On Fri, Jul 17, 2020 at 1:25 PM Tim Sweeney [REDACTED]@epicgames.com> wrote:

Hi Hiroshi,

Thanks for your response and offer to chat.

Your point on avoiding special exceptions is well-taken. I'd love to see a future in which all developers on Google Play are free to pursue independent payments and independent stores as Epic is asking for contractually.

If Google would allow Epic to launch direct Epic payments into Fortnite in August, and Google would agree to good faith discussions about a roadmap enabling third-party stores to operate through and at parity with Google Play in 2021, then our businesses would be 100% aligned in pursuit of Android as the leading mobile platform for games in the entirety of the Unreal Engine 5 generation. Our hope is that Google's learnings from a pilot launch in Fortnite would feed into a policy reevaluation benefitting all developers worldwide.

I believe this direction would make Google an ally of all mobile game and app developers, at an undeniably critical point in the evolution of the tech industry.

Epic would like to advance discussions on these two topics - agreement on payments and agreement to hold serious talks on store parity - to reach definite yes or no answers in July. To that end, I can be available anytime Tuesday through Friday next week by phone or Google Hangouts - just name a time!

-Tim

On Tue, Jul 14, 2020 at 2:05 AM Hiroshi Lockheimer [REDACTED]@google.com> wrote:

Hi Tim,

Thanks for your email, and I hope you, your family, and team are doing well during Covid. And apologies for the delay, it's been a very busy time for us.

First and foremost, congratulations on landing Sony as an investor, in addition to Tencent from China! I understand that Epic is now valued at over \$17B. Congrats!

As we've discussed, Android is an open ecosystem and provides developers the freedom and flexibility to distribute apps how they see fit, including directly via websites, as device preloads, or even through a variety of app stores. In fact, most Android devices come with two or more app stores right out of the box,

and users can install others (including your own Epic Games Installer). I'm heartened to see Epic taking full advantage of this flexibility and the competitive landscape by offering its games to Android users through multiple channels, including preloads, the Huawei AppGallery and Samsung Galaxy Store, and Epic Installer as a direct download from your site.

Building a mobile platform and store to help developers reach billions of people and keep those users safe takes significant work and investment. It's an investment we remain committed to making, but it requires us to have policies and a business model to sustain those investments. We believe these policies and business model have been good for users, helping us provide a safe and secure environment for trustworthy apps, and making Android a viable competitor in the smartphone market. We are concerned that making exceptions for one developer would erode not only that ecosystem but our ability to provide those user benefits.

Of course Don and I would be happy to talk with you about the concerns you've raised. If you'd be interested in getting together over video, please let us know and we can find a good time to follow up.

By the way, I wanted to let you know we have really enjoyed partnering with Ed Zobrist, Jocelyn Lefrancois, and Hans Stolfus on your team. As you know, we worked together closely on go-to-market support across multiple channels (store featuring, Play Points, notifications, social marketing) to support the launch of Fortnite on Play and the in-game Travis Scott event that happened on the week of April 21st with only about a week to prepare. We were excited to see that work result in a successful launch!

I'm also happy to see that Epic taking advantage of our App Bundle feature and seeing a 23% decrease in download size. We've seen this approach lead to increases in install rates and overall it's just a better experience for users. I understand our team is also working with you to improve user experiences on affordable phones with low memory and adding fraud prevention tools in your games and that you may be interested in some of our app integrity solutions to minimize piracy and hacking.

Also, I know there were a number of performance tuning challenges on a variety of Android devices at launch. I'd like to make sure your team has all the help they need from our games engineering team. Please let us know if we can assist you -- we've managed to help others quite a bit here.

We are excited about these collaborations and look forward to staying in touch.

Hiroshi

On Tue, Jun 30, 2020 at 4:00 PM Tim Sweeney [REDACTED]@epicgames.com> wrote:

Dear Sundar, Hiroshi, Jamie, Don,

Because of restrictions imposed by Google, Epic is unable to provide consumers with certain features in our Android apps. We would like to offer consumers the following features:

- 1) Competing payment processing options other than Google Play payments, without Google's fees, in Fortnite and other Epic Games software distributed through Google Play;
- 2) A competing Epic Games Store app available through Google Play and/or through direct installation that has equal access to underlying operating system features for software installation and update as Google Play itself has, including the ability to install and update software without Google warning screens which discourage users from using third-party stores.

If Epic were allowed to provide these options to Android device users, consumers would have an opportunity to pay less for digital products and developers would earn more from their sales. Epic is requesting that Google agree in principle to permit Epic to roll out these options for the benefit of all Android customers. We hope that Google will also make these options equally available to all Android developers in order to make software sales and distribution on the Android mobile platform as open and competitive as it is on personal computers.

As you know, Epic was required to accept your standard, non-negotiable contracts, like the Google Play Developer Distribution Agreement, in order to offer products on Android devices through the Google Play Store. Epic is also required to comply with Google's unilateral standards documents to obtain app approval, like Google's Developer Program Policies. Google's contracts and standards documents contain restrictive provisions that prohibit Epic from offering a competing app store and competing payment processing options to consumers. Google would need to provide a side letter or alter its contracts and standards documents to remove such restrictions to allow Epic to provide a competing app store and competing payment processing option to Android customers.

Please confirm within two weeks if Google agrees in principle to allow Epic to provide a competing app store and competing payment processing, in which case we will meet with your team to work out the details including Epic's firm commitment to utilize any such features diligently to protect device security, customer privacy, and a high-quality user experience. If we do not receive your confirmation, we will understand that Google is not willing to make the changes necessary to allow us to provide Android customers with the option of choosing their app store and payment processing system.

Best Regards,

Tim Sweeney  
Founder & CEO  
Epic Games